

## **REMARKS**

Claims 3-12, 16 and 17 are all the claims pending in the application.

### **I. Claim Rejections under 35 U.S.C. § 103(a)**

A. Claims 3-5, 10, 11, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard (U.S. 2002/0078244) in view of Nakashima et al. (U.S. 5,930,825).

Claim 3, as amended, recites the features of an ID recording unit operable, before the updating of the file on the first recording medium by said updating unit, to read unique medium identifier information from one specific position in the first recording medium, and to hold the medium identifier information within said file-update apparatus; and a recovery suppressing unit operable, if the interruption of the update procedures has taken place and the predetermined condition is satisfied, and before said recovery unit updates the location information, to read medium identifier information from a same position as the specific position in a removable recording medium mounted in said file-update apparatus, compare the read medium identifier information with the held medium identifier information, and suppress the updating of the location information by said recovery unit if the read medium identifier information does not match the held medium identifier information.

Applicants respectfully submit that Howard and Nakashima do not teach or suggest the above-noted combination of features recited in amended claim 3.

Regarding Howard, Applicants note that the Examiner has recognized that this reference does not disclose or suggest the features of an ID recording unit and a recovery suppressing unit (see Office Action at page 4).

Regarding Nakashima, Applicants note that this reference discloses a method for preventing the unauthorized use of software. As explained in Nakashima, in an original recording medium 1, a medium ID is stored in a normal sector 2 and is also stored in software 110 (see Fig. 2 and col. 3, line 65 through col. 4, line 5). In other words, in the original recording medium 1, the same medium ID is stored in two different positions, namely, in the normal sector 2 and in the software 110 (see Fig. 2).

As disclosed in Nakashima, when the software 110 that has been stored on a prescribed recording medium (the original or a copy) is executed, the medium ID is read out of the normal sector 2, and a check is performed to determine whether this ID matches the medium ID of the original recording medium 1 stored in the software 110 (see col. 4, lines 15-21). If the two medium IDs match, then the prescribed recording medium is determined to be the original recording medium 1, and execution of the software is permitted (see col. 4, lines 21-24). If, on the other hand, the medium ID in the normal sector 2 does not match the medium ID stored in the software 110, then it is determined that the prescribed recording medium is not the original recording medium 1, and execution of the software is not permitted (see col. 4, lines 24-26).

Thus, as is evident from the foregoing description, in Nakashima, in order to determine whether or not the recording medium is the original recording medium 1, a comparison is made between two pieces of data (i.e., medium IDs), wherein the two pieces of data are stored in two different positions of one recording medium. In particular, as described above, a comparison is made between (1) the medium ID stored in the normal sector 2 of a

recording medium and (2) the medium ID stored in the software 110 of the same recording medium (see Fig. 2).

In contrast, according to claim 3 as amended herein, in order to judge whether or not the same recording medium is mounted in the file-update apparatus, two pieces of data, which are read from the same position in the recording medium mounted in the file-update apparatus at two different points in time, are compared. In particular, according to claim 3, the ID recording unit reads medium identifier information from one specific position of the recording medium before the updating of the file takes place, and if an interruption of the update procedures has taken place and a predetermined condition is satisfied, the recovery suppressing unit reads medium identifier information from a same position as the specific position in a removable recording medium mounted in the file-update apparatus.

Based on the foregoing, Applicants submit that, in Nakashima, because the two pieces of information which undergo the comparison are read from two different positions of one recording medium, it is clear that Nakashima does not disclose, suggest or otherwise render obvious the above-noted features recited in amended claim 3 of an ID recording unit operable, before the updating of the file on the first recording medium by said updating unit, to read unique medium identifier information from one specific position in the first recording medium, and to hold the medium identifier information within said file-update apparatus; and a recovery suppressing unit operable, if the interruption of the update procedures has taken place and the predetermined condition is satisfied, and before said recovery unit updates the location information, to read medium identifier information from a same position as the

specific position in a removable recording medium mounted in said file-update apparatus, compare the read medium identifier information with the held medium identifier information, and suppress the updating of the location information by said recovery unit if the read medium identifier information does not match the held medium identifier information.

In view of the foregoing, Applicants respectfully submit that claim 3 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 4, 5, 10 and 11, Applicants note that these claims depend from claim 3 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 16 and 17, Applicants note that each of these claims has been amended in a similar manner as claim 3. In particular, regarding claims 16 and 17, Applicants note that each of these claims recites the features of reading, before the updating of the file on the first recording medium, unique medium identifier information from one specific position in the first recording medium, and holding the medium identifier information within a file-update apparatus; and reading, if the interruption of the update procedures has taken place and the predetermined condition is satisfied, and before the updating of the location information on the first recording medium, medium identifier information from a same position as the specific position in a recording medium of a processing target, comparing the read medium identifier information with the held medium identifier information, and suppressing the updating of the location information if the read medium identifier information does not match the held medium identifier information.

For at least similar reasons as discussed above with respect to claim 3, Applicants

respectfully submit that the cited prior art references do not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claims 16 and 17 are patentable over the cited prior art, an indication of which is kindly requested.

B. Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard in view Nakashima, and further in view of the Applicants' Admitted Prior Art.

Claims 6-9 depend from claim 3. Applicants respectfully submit that the Admitted Prior art does not cure the deficiencies of Howard and Nakashima, as discussed above, with respect to claim 3. Accordingly, Applicants submit that claims 6-9 are patentable over the cited prior art, an indication of which is kindly requested.

C. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard in view Nakashima, and further in view of Yoo (U.S. 2002/0059570).

Claim 12 depends from claim 3. Applicants respectfully submit that the Yoo does not cure the deficiencies of Howard and Nakashima, as discussed above, with respect to claim 3. Accordingly, Applicants submit that claim 12 is patentable over the cited prior art, an indication of which is kindly requested.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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